

Appl. No. : 10/632,327
Filed : August 1, 2003

REMARKS

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Amendments to the Claims and Specification

Claims have been amended.

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Newly Added

No new claims have been added.

Abstract Objections

The applicants acknowledge the Examiners objections to the abstract. The abstract has been modified according to the suggestion as follows:

~~The present invention relates to a~~Disinfecting wipes or pads that can be used to treat or clean glass or other glossy surfaces. The disinfecting wipes or pads do not depend upon quaternary ammonium compounds for disinfection, but instead depend upon relatively low solvent levels and basic pH or relatively high levels of sodium hydroxide or potassium hydroxide.

Rejections under 35 U.S.C. §112

The Examiner has rejected Claims 1-31 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner rejected Claims 1-31 as indefinite because the proportions of the organic solvent and sodium hydroxide or potassium hydroxide are not defined as to whether they are “by weight” or otherwise. The applicants point to the bottom of page 3, where it states “Unless otherwise stated, amounts listed in percentage (“%’s”) are in weight percent (based on 100% active) of the cleaning composition alone, not accounting for the substrate weight.”

Accordingly, the objection to Claims 1-31 is overcome and it is respectfully urged that it be withdrawn

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The Examiner rejected Claims 2, 4, 6, 8 as indefinite in the recital of "GRAS" because this is an acronym. The acronym GRAS is defined on page 29, where it states "Compositions according to the invention may comprise substances generally recognized as safe (GRAS)," The next paragraph references a compilation of GRAS materials, i.e. "Suitable GRAS materials are listed in the Code of Federal Regulations (CFR) Title 21 of the United States Food and Drug Administration, Department of Health and Human Services, Parts 180.20, 180.40 and 180.50, which are hereby incorporated by reference."

The Examiner rejected Claims 2, 4, 6, and 8 as indefinite in the recital of "comprising only GRAS ingredients" because the claim to which each of them depends, that is claim 1, comprises hydroxide which is not a GRAS ingredient. Without traverse, Claims 2, 4, 6, and 8 have been amended to "further comprising".

Accordingly, the objection to Claims 2, 4, 6, and 8 is overcome and it is respectfully urged that it be withdrawn.

Rejections under 35 U.S.C. §102(b)

The Examiner has rejected Claims 1-12 and 31 under 35 U.S.C. §102(b) as being anticipated by Barby et al. (U.S. Pat. 4,448,704).

The Examiner maintains that Barby anticipates Claims 1-12 and 31 since Barby teaches a substrate carrying a cleaning composition in Example 43, wherein the cleaning composition comprises a total of 0.09% nonionic surfactants, 0.01% partially esterified resin, 0.01% hydroxyethyl cellulose with 2.5 moles of substituent combined (equivalent to GRAS ingredient), and the pH of the composition adjusted to 9.0 with sodium hydroxide. The Examiner maintains that the amount of sodium hydroxide used to adjust to pH 9.0 should inherently be at least 0.05%. The Examiner provides no evidence that 0.05% sodium hydroxide when added to Example 43 of Barby would not result in a pH higher than 9.0. Therefore, contrary to the Examiner's statement, Example 43 of Barby does not anticipate Claims 1-12 and 31.

Claims 1 and 31 have been amended to include limitations relative to disinfectancy not dependent on quaternary ammonium compounds. Barby does not teach or suggest compositions that provide for disinfectancy or sanitization. Therefore, Barby does not anticipate amended Claims 1 and 31 and Claims 2-12, which depend upon Claim 1.

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Accordingly, the objection to Claims 1-12 and 31 is overcome and it is respectfully urged that it be withdrawn.

The Examiner has rejected Claims 1-13, 16, 18, 21, 24, and 27-31 under 35 U.S.C. §102(e) as being anticipated by Barnabas et al. (U.S. 2003/0119705).

The examiner maintains that Barnabas, in Examples Q and R, teaches a wipe comprising 0.12% betaine and 0.1% sodium hydroxide and having a pH at about 11. Claims 1, 13, 27, and 31 have been amended to include limitations relative to disinfectancy not dependent on quaternary ammonium compounds. Barnabas provides disinfectancy data for wipes with a combination of citric acid and PHMB. PHMB is a quaternary ammonium compound (note specification page 18 – Antimicrobial Agent – last sentence. The preferred pH range of Barnabas is from about 0.5 to about 7. Barnabas teaches away and does not anticipate the inventive claims.

Accordingly, the objection to Claims 1-13, 16, 18, 21, 24, and 27-31 is overcome and it is respectfully urged that it be withdrawn.

Rejections under 35 U.S.C. §103(a)

The Examiner has rejected Claims 14, 17, 19, 22 and 25 under 35 U.S.C. §103(a) as being unpatentable over Barnabas as applied to the above claims.

The Examiner maintains that Barnabas teaches a pH range up to about 13 or with a polymer but fails to disclose a wipe with a liquid composition comprising a polymer or a pH greater than about 12. Claim 13 has been amended to include limitations relative to disinfectancy not dependent on quaternary ammonium compounds. Claims 14, 17, 19, 22 and 25 now depend upon amended Claim 13. As stated above, Barnabas teaches acidic wipes with PHMB for disinfectancy. Barnabas teaches away and does not anticipate the inventive claims. There is no teaching in Barnabas that would lead one of ordinary skill in the art to obtain the unexpected inventive results relative to disinfectancy or sanitization.

Accordingly, the objection to Claims 14, 17, 19, 22 and 25 is overcome and it is respectfully urged that it be withdrawn.

The Examiner has rejected Claims 15, 20, 23 and 26 under 35 U.S.C. §103(a) as being unpatentable over Barnabas as applied to the above claims, and further in view of Barger et al. (U.S. Pat. 6,562,142). As stated above, Barnabas teaches away from the amended Claim 13, upon

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which Claims 15, 20, 23, and 26 depend. Accordingly, the objection to Claims 15, 20, 23, and 26 is overcome and it is respectfully urged that it be withdrawn.

CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. If, however, some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for a brief discussion.

In view of the foregoing amendments and remarks, Applicants request entry of the amendments and reconsideration of the rejections. If some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including fees for additional extensions of time, or credit overpayment to Deposit Account No. 03 2270.

Respectfully submitted,
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